

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

Andres F. Cabezas,

plaintiff,

v.

United States Federal Bureau,  
of Investigation,

defendant.

Case: 1:19-cv-00145

Assigned To : Howell, Beryl A.

Assign. Date : 1/22/2019

Description: FOIA/PI (I-DECK)

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**COMPLAINT FOR INJUNCTIVE RELIEF**

Andres F. Cabezas alleges upon knowledge as to his own acts, and otherwise upon information and belief, the following:

**NATURE OF THE ACTION**

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, et. seq., as amended, the Privacy Act ("PA"), 5 U.S.C. § 552a and the Administrative Procedures Act ("APA"), 5 U.S.C. § 706, to order the production of agency records in the in the possession, custody, and control of the Federal Bureau of Investigation ("FBI").

**JURISDICTION AND VENUE**

2. This court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B), the Privacy Act, 5 U.S.C. § 552a(g)(1)(B) and the Administrative Procedures Act, 5 U.S.C. § 703.

3. Venue is in this district under 5 U.S.C. § 552(a)(4)(B), 5 U.S.C. § 552(g)(1)(B) and 5 U.S.C. § 703.

#### **PARTIES**

4. Mr. Cabezas, a citizen of the United States and a federal prisoner, is currently confined in the Federal Correctional Complex (Low) in Coleman, Florida and is the requestor of the withheld records.

5. The FBI is a component of the Department of Justice, an agency of the United States. The FBI has possession, custody and control of the records Mr. Cabezas seeks.

#### **FACTUAL ALLEGATIONS**

6. Mr. Cabezas, via First class mail in May, 2018, issued a FOIA request to the FBI requesting any and all records pertaining to him.

7. Mr. Cabezas specifically requested records to include, but not be limited to, "(1) Arrest Reports; (2) Investigatory Records, including hand-written notes and final drafts; (3) Reports of evidentiary and/or scientific information, findings, and conclusions; (4) Plea Agreements of codefendants; (5) Charging Documents; (6) Classification of the Charged Offenses; (7) Video Tapes; (8) Telephonic Recordings; (9) Computer Disks; (10) Computerized NotePad Disks; (11) Photographs; (12) completed and submitted Forms DEA 48, DEA 48-A, DEA-302; (13) all other information, data, and reports not listed above and otherwise exempted by law."

8. Mr. Cabezas's request further clarified "[t]his should in particular, be the records pertaining to the Justice Department, and any member of the Department's Staff or agents, and any of its subordinate agencies."

9. Mr. Cabezas also requested a Vaughn Index of any withheld items.

10. Mr. Cabezas provided a certificate of identity with his request.

11. The FBI has yet to respond to Mr. Cabezas's FOIA/PA requests.

**COUNT I: VIOLATION OF FOIA/PA**

12. This count realleges and incorporates by reference all of the preceding paragraphs.

13. Mr. Cabezas has a statutory right to the records that he seeks.

14. The FBI's non-responsiveness, and withholding of the items sought amounts to refusal to produce them.

15. The FBI has violated FOIA and PA by improperly withholding records responsive to Mr. Cabezas's FOIA/PA requests.

**RELIEF REQUESTED**

Wherefore, Mr. Cabezas prays that this Court:

- (a) Declare Defendant's failure to comply with FOIA and PA to be unlawful;
- (b) Enjoin Defendant from continuing to withhold records responsive to Mr. Cabezas's FOIA/PA request and otherwise order Defendant to produce the requested records without further delay;
- (c) Provide Expeditious proceeding in this action;
- (d) Grant such other and further relief as the court may deem just and proper.

Respectfully submitted on this 13th day of December, 2018 by:



Andres Cabezas  
Reg. No. 68854-018 Unit B-3  
Federal Correctional Complex  
P.O. Box 1031 (Low custody)  
Coleman, Florida 33521-1031

**VERIFICATION**

I hereby declare the foregoing is true and correct to the best of my knowledge and belief under penalty of perjury pursuant to 28 U.S.C. § 1746.

  
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Andres Cabezas